

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION


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|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | CRIMINAL NO. G-01-12(02) |
| | § | |
| SABERIO CHRISTOPHER CRUZ | § | |

OPINION AND ORDER

In response to the Report and Recommendation of the United States Magistrate Judge, Petitioner, Saberio Christopher Cruz, has filed, in the form of objections, a request to withdraw the letter he submitted to the Court requesting a “ sentence amendment” which the Magistrate Judge recommended be construed as a motion under 18 U.S.C. § 3582 and be denied.

Under the circumstances, the Court will **GRANT** Cruz’ request, **REJECT** the Report and Recommendation (Instrument no. 158) of the Magistrate Judge, and **DISMISS** Cruz’ letter/request for a “ sentence amendment” (Instrument no. 157) as moot.

DONE at Galveston, Texas, this 29th day of April, 2005.



Samuel B. Kent
United States District Judge